

Message Text

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20

ACTION EUR-25

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TO USMISSION BERLIN PRIORITY

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E.O. 11652: N/A

TAGS: PGOV, GW, GE, WB, US

SUBJECT: BRUECKMANN CASE PRESS LINE

REF: BONN 5001

1. PROVIDED FOR YOUR INFORMATION IS SPECIFIC BONN GROUP PRESS GUIDANCE FOR BRUECKMANN CASE. ANSWERS WOULD BE MADE ON "IF ASKED" BASIS ONLY.

2. (A) QUESTION: DID THE ALLIED KOMMANDATURA/ALLIES DIRECT THE BERLIN SENAT TO REFUSE THE REQUEST OF THE FEDERAL CONSTITUTIONAL COURT (FCC) FOR DOCUMENTS RELATED TO THIS CASE?

ANSWER: THE ALLIED KOMMANDATURA ON MARCH 12 REAFFIRMED ITS LONG-STANDING AND WELL-KNOWN POSITION THAT THE FCC IS NOT COMPETENT TO REVIEW THE CONSTITUTIONALITY OF ACTS OF BERLIN AUTHORITIES OR THE CONSTITUTIONALITY OF BERLIN LAWS, INCLUDING THOSE TAKING OVER PROVISIONS OF FEDERAL LEGISLATION. AS A CONSEQUENCE, THE ALLIED KOMMANDATURA ALSO DIRECTED THE SENAT TO ENSURE THAT NO DOCUMENTS RELATING TO THIS CASE ARE DELIVERED TO THE FCC BY ANY AUTHORITIES IN BERLIN.

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(B) QUESTION: HAVE THE ALLIES BEEN IN TOUCH WITH THE FRG ON THIS?

ANSWER: THE FEDERAL GOVERNMENT WAS INFORMED OF THE ALLIED POSITION AND DIRECTIVE.

(C) QUESTION: WHY DO THE ALLIED AUTHORITIES WISH TO HAVE INGRID BRUECKMANN RETURNED TO THE GDR?

ANSWER: THE BRUECKMANN CASE IS BEING HANDLED BY THE COMPETENT WEST BERLIN AUTHORITIES IN ACCORDANCE WITH THE LAW APPLICABLE IN WEST BERLIN AND WITH ESTABLISHED PROCEDURE.

(D) QUESTION: WHAT IS THE NATURE OF MISS BRUECKMANN'S APPEAL TO THE EUROPEAN HUMAN RIGHTS COMMISSION IN STRASBOURG?

ANSWER: QUESTIONS ON THESE EFFORTS BY MISS BRUECKMANN AND THE APPLICABLE PROCEDURES OF THE COMMISSION ARE BEST ADDRESSED TO THE STRASBOURG COMMISSION ITSELF.

(E) QUESTION: IF MISS BRUECKMANN APPEALS DIRECTLY TO THE ALLIED KOMMANDATURA TO OVERTURN THE DECISION TO RETURN HER, WHAT WILL BE THE ALLIED ATTITUDE?

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ANSWER: THE BRUECKMANN CASE IS BEING HANDLED BY THE COMPETENT WEST BERLIN AUTHORITIES IN ACCORDANCE WITH THE LAW APPLICABLE IN WEST BERLIN AND WITH ESTABLISHED PROCEDURE. THE ALLIED AUTHORITIES HAVE RESERVED THE RIGHT TO INTERVENE ONLY IN THOSE FIELDS SPECIFIED IN THE REVISED DECLARATION ON BERLIN OF MAY 5, 1955.
HILLENBRAND

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